

**EIGHTY-FOURTH GENERAL ASSEMBLY
2012 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

APRIL 11, 2012

HOUSE FILE 2460

H-8443

1 Amend House File 2460 as follows:
2 1. Page 1, by striking lines 23 through 28 and
3 inserting:
4 <3. a. Each county that had an urban renewal plan
5 and area in effect at any time during the most recently
6 ended fiscal year shall complete for each such urban
7 renewal plan and area and file with the department
8 of management an urban renewal report by December 1
9 following the end of such fiscal>
10 2. Page 2, line 17, by striking <5> and inserting
11 <6>
12 3. Page 2, line 19, by striking <5> and inserting
13 <6>
14 4. Page 4, line 17, by striking <management,> and
15 inserting <management>
16 5. Page 4, lines 25 and 26, by striking <tax
17 increment financing> and inserting <urban renewal>
18 6. Page 6, line 20, by striking <tax increment
19 financing> and inserting <urban renewal>
20 7. Page 7, by striking lines 1 through 6 and
21 inserting:
22 <2. a. Each city that had an urban renewal plan
23 and area in effect at any time during the most recently
24 ended fiscal year shall complete for each such urban
25 renewal plan and area and file with the department
26 of management an urban renewal report by December 1
27 following the end of such fiscal>
28 8. Page 7, line 29, by striking <5> and inserting
29 <6>
30 9. Page 7, line 31, by striking <5> and inserting
31 <6>
32 10. Page 9, line 29, by striking <management,> and
33 inserting <management>
34 11. Page 9, line 35, through page 10, line 1, by
35 striking <tax increment financing> and inserting <urban
36 renewal>
37 12. Page 11, line 2, after <county> by inserting
38 <, unless a majority of the affected taxing entities
39 in the proposed urban renewal area or existing urban
40 renewal area, as applicable, by resolution approves
41 such establishment or modification>
42 13. Page 11, line 25, before <public> by inserting
43 <first>
44 14. Page 12, line 4, before <public> by inserting
45 <first>
46 15. Page 13, line 9, by striking <that-if> and
47 inserting <that-if. However,>
48 16. Page 14, after line 7 by inserting:
49 <Sec. _____. Section 403.5, subsection 4, unnumbered
50 paragraph 1, Code 2011, is amended to read as follows:

H-8443

1 Following the third such hearing, the local
2 governing body may approve an urban renewal plan if it
3 finds that:>

4 17. Page 19, line 1, after <(2)> by inserting <(a)>

5 18. Page 19, by striking line 2 and inserting
6 <the contrary, and except as otherwise provided in
7 subparagraph division (b), for taxes due and payable
8 for fiscal years beginning on or after July 1,>

9 19. Page 19, by striking lines 6 through 26 and
10 inserting <January 1 used to calculate the amount of
11 taxes under section 403.19, subsection 1, and the
12 year of the assessment roll used to calculate the
13 amount of excess property taxes under section 403.19,
14 subsection 2, first exceeds fifteen years, the year of
15 the assessment roll as of January 1 that is otherwise
16 required to be used to calculate the amount of taxes
17 under section 403.19, subsection 1, shall be adjusted
18 by increasing the year of the assessment roll by two
19 assessment years. Such assessment roll so adjusted
20 shall be increased in each subsequent fiscal year by
21 two assessment years until the assessment roll as of
22 January 1 used to calculate the amount of taxes under
23 section 403.19, subsection 1, is later in time than
24 the year of the assessment roll used to calculate the
25 amount of excess property taxes under section 403.19,
26 subsection 2, at which time the urban renewal area
27 including all applicable urban renewal plans, projects,
28 and ordinances providing for a division of revenue
29 shall terminate and be of no further force and effect.>

30 20. Page 19, before line 27 by inserting:

31 <(b) A municipality may, following the filing
32 of an application for a waiver with, and approval
33 by, the department of management, extend the date
34 of termination for the urban renewal area and all
35 applicable urban renewal plans, projects, and
36 ordinances to a date after the date determined in
37 subparagraph division (a). Such an application
38 shall be filed with the department of management not
39 later than June 30, 2013, and the application shall
40 be accompanied by all information and documentation
41 required by the department. The extended termination
42 date shall be determined by the department of
43 management. However, an extended termination date
44 shall not be later than a date determined by the
45 department of management to be necessary for the
46 municipality to pay and retire those loans, advances,
47 bonds, or indebtedness, or portions thereof, incurred
48 or issued before the effective date of this Act that
49 qualify for payment from the special fund created
50 in section 403.19, and by the terms of such loans,

1 advances, bonds, or indebtedness are required to
2 be paid or retired after the date determined in
3 subparagraph division (a). If the department of
4 management approves a waiver under this subparagraph
5 division (b), all moneys deposited into the special
6 fund of the municipality after the date determined in
7 subparagraph division (a), shall be used solely for
8 the purpose of retiring such loans, advances, bonds,
9 or indebtedness. During the period of the extension,
10 property taxes collected under section 403.19,
11 subsection 2, in excess of the amount necessary under
12 the conditions of the extension shall be allocated and
13 when collected paid into the funds for the respective
14 taxing districts in the same manner as taxes on all
15 other property.>

16 21. Page 19, after line 28 by inserting:

17 <Sec. _____. Section 403.19, subsection 1, paragraph
18 a, Code Supplement 2011, is amended to read as follows:

19 a. Unless otherwise provided in this section, that
20 portion of the taxes which would be produced by the
21 rate at which the tax is levied each year by or for
22 each of the taxing districts upon the total sum of the
23 assessed value of the taxable property in the urban
24 renewal area, as shown on the assessment roll as of
25 January 1 of the calendar year preceding the first
26 calendar year in which the municipality certifies
27 to the county auditor the amount of loans, advances,
28 indebtedness, or bonds payable from the division of
29 property tax revenue, or on the assessment roll last
30 equalized prior to the date of initial adoption of
31 the urban renewal plan if the plan was adopted prior
32 to July 1, 1972, and the ordinance providing for the
33 division of revenue was adopted before the effective
34 date of this Act, shall be allocated to and when
35 collected be paid into the fund for the respective
36 taxing district as taxes by or for the taxing district
37 into which all other property taxes are paid. However,
38 the municipality may choose to divide that portion
39 of the taxes which would be produced by levying the
40 municipality's portion of the total tax rate levied
41 by or for the municipality upon the total sum of
42 the assessed value of the taxable property in the
43 urban renewal area, as shown on the assessment roll
44 as of January 1 of the calendar year preceding the
45 effective date of the ordinance and if the municipality
46 so chooses, an affected taxing entity may allow a
47 municipality to divide that portion of the taxes
48 which would be produced by levying the affected taxing
49 district's portion of the total tax rate levied by or
50 for the affected taxing entity upon the total sum of

1 the assessed value of the taxable property in the urban
2 renewal area, as shown on the assessment roll as of
3 January 1 of the calendar year preceding the effective
4 date of the ordinance. This choice to divide a portion
5 of the taxes shall not be construed to change the
6 effective date of the division of property tax revenue
7 with respect to an urban renewal plan in existence on
8 July 1, 1994.>

9 22. By striking page 19, line 31, through page 20,
10 line 3, and inserting:

11 <NEW PARAGRAPH. d. Notwithstanding any provision
12 of this chapter to the contrary, on or after the
13 effective date of this Act a municipality shall not
14 adopt an ordinance providing for a division of revenue
15 under this section for an urban renewal area containing
16 wind energy conversion property as defined in section
17 427B.26 unless a majority of affected taxing entities
18 by resolution approves the proposed division of
19 revenue. The division of revenue shall be limited to
20 ten years following adoption of the ordinance. Revenue
21 divided in an urban renewal area described in this
22 paragraph shall only be used by the municipality for
23 the construction, reconstruction, improvement, repair,
24 or equipping of bridges, roads, and culverts under the
25 jurisdiction of the municipality and located in the
26 urban renewal area.>

27 23. Page 20, by striking lines 6 through 27 and
28 inserting:

29 <NEW SUBSECTION. 3A. Except as provided in
30 section 403.22, an ordinance providing for a division
31 of revenue under this section that is adopted on or
32 after the effective date of this Act shall be limited
33 to twenty years from the calendar year following
34 the calendar year in which the municipality first
35 certifies to the county auditor the amount of any
36 loans, advances, indebtedness, or bonds which qualify
37 for payment from the division of revenue provided in
38 section 403.19. The urban renewal area, including
39 all applicable urban renewal plans, projects, and
40 ordinances shall terminate and be of no further force
41 and effect following the twenty-year period provided
42 in this subsection.>

43 24. Page 21, by striking lines 6 through 9 and
44 inserting <have either entered into a written agreement
45 concerning the relocation of the commercial or
46 industrial enterprise or have entered into a written
47 agreement concerning the general use of economic
48 incentives to attract commercial or industrial
49 development within those municipalities.>

50 25. Page 22, by striking line 19 and inserting <the

H-8443

Page 5

1 following unless approved by resolution adopted by the
2 governing bodies of a majority of the>
3 26. By striking page 23, line 1, through page 25,
4 line 12, and inserting:
5 <Sec. _____. Section 403.22, Code Supplement 2011, is
6 amended by adding the following new subsection:
7 NEW SUBSECTION. 1A. With respect to any urban
8 renewal area established on or after the effective
9 date of this Act, a division of revenue as provided in
10 section 403.19 shall not be allowed for the purpose
11 of providing or aiding in the provision of public
12 improvements related to housing and residential
13 development unless a majority of the affected taxing
14 entities, by resolution, approves a division of
15 revenue for such purpose. If the use of a division of
16 revenue for the purpose of providing or aiding in the
17 provision of public improvements related to housing
18 and residential development is approved by a majority
19 of the affected taxing entities, the municipality is
20 subject to the provisions of this section insofar as
21 applicable.>
22 27. Title page, line 2, by striking <property>
23 28. By renumbering as necessary.

By SODERBERG of Plymouth

H-8443 FILED APRIL 10, 2012

HOUSE FILE 2337

H-8437

1 Amend the Senate amendment, H-8425, to House File
2 2337, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, line 23, by striking <200,000> and
5 inserting <400,000>
6 2. By renumbering as necessary.

By KELLEY of Jasper
GAINES of Polk

H-8437 FILED APRIL 10, 2012

HOUSE FILE 2375

H-8433

1 Amend House File 2375 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 476D.1 Definitions.

5 As used in this chapter, unless the context
6 otherwise requires:

7 1. "Board" means the utilities board within the
8 utilities division of the department of commerce.

9 2. "Dairy producer" means any person or entity that
10 owns or operates a dairy farm or that owns cows that do
11 or are intended to produce milk.

12 3. "Utility" means a public utility as defined in
13 section 476.1 or, for purposes of this chapter, any
14 other person owning or operating more than one thousand
15 five hundred miles of transmission lines and associated
16 facilities in this state.

17 Sec. 2. NEW SECTION. 476D.2 Utility inspections ----
18 stray current or voltage.

19 1. A dairy producer in this state that claims that
20 its dairy cows are being affected by stray current
21 or voltage shall provide written notice to a utility
22 providing electric service to the dairy producer and
23 may provide written notice to the board. The notice
24 shall include a nonbinding statement as to why the
25 dairy producer claims its dairy cows are being affected
26 by electrical energy attributable to the utility.

27 2. a. Within fourteen business days after receipt
28 of a notice alleging stray current or voltage by a
29 utility pursuant to subsection 1, the utility shall
30 take or arrange for the taking of measurements to
31 identify the existence and magnitude of the stray
32 current or voltage, if any. A dairy producer providing
33 notice of the claim shall permit entry onto the dairy
34 farm at dates and times mutually agreed upon by the
35 dairy producer and the utility. The utility shall
36 perform no other service or inspection on the dairy
37 farm beyond taking measurements of stray current
38 or voltage, except the utility may advise the dairy
39 producer as to recommended on-farm remedial action
40 and may perform such on-farm remedial action with the
41 permission of the dairy producer. The utility or
42 its representative shall abide by the dairy farm's
43 biosecurity protocols or, if none, generally accepted
44 biosecurity protocols in the industry, prior to entry
45 onto the dairy farm. The utility shall be provided
46 advance notice of any biosecurity protocols adopted by
47 the dairy producer.

48 b. A dairy producer may include with the notice
49 provided pursuant to subsection 1, or in a subsequent
50 notice, a written request for the board to take or

H-8433

1 arrange for the taking of separate and independent
2 measurements to identify the existence and magnitude
3 of stray current or voltage, if any. Such a request
4 may also be made by the utility. Measurements by the
5 board shall be taken by a representative of the board
6 directly, or by a neutral third-party expert selected
7 by the board for such purposes. A dairy producer
8 providing notice of the claim shall permit entry onto
9 the dairy farm at dates and times mutually agreed upon
10 by the dairy producer and the board, a representative
11 of the board directly, or by a neutral third-party
12 expert selected by the board for such purposes. The
13 board or a selected third-party expert shall perform
14 no other service or inspection on the dairy farm
15 beyond taking measurements of stray current or voltage,
16 except the board or third-party expert may advise the
17 dairy producer as to recommended on-farm remedial
18 action. The board or the third-party expert shall
19 abide by the dairy farm's biosecurity protocols or,
20 if none, by generally accepted biosecurity protocols
21 in the industry, prior to entry onto the dairy farm.
22 The board shall be provided advance notice of any
23 biosecurity protocols adopted by the dairy producer.
24 The board shall subsequently prepare or cause to be
25 prepared a determination of source document which shall
26 be made available to both the dairy producer and the
27 utility.

28 Sec. 3. NEW SECTION. 476D.3 Rules.

29 The board shall by rule establish procedures and
30 protocols to be used for the measurement of stray
31 current or voltage. The board shall review the rules
32 from time to time, or upon petition to the board, to
33 ensure that the procedures and protocols continue to
34 be scientifically and technologically accurate and a
35 reliable means of detecting stray current or voltage.>

By IVERSON of Wright

HOUSE FILE 2464

H-8436

1 Amend House File 2464 as follows:

2 1. Page 12, after line 19 by inserting:

3 <DIVISION _____

4 PHARMACY RESEARCH PROJECTS

5 Sec. _____. 2011 Iowa Acts, chapter 63, section 36,
6 subsection 1, is amended to read as follows:

7 1. Notwithstanding any provision of section
8 147.107, subsection 2, or section 155A.33 to the
9 contrary, the board of pharmacy may approve a pilot
10 or demonstration research project of innovative
11 applications in the practice of pharmacy relating to
12 the authority of prescription verification and the
13 ability of a pharmacist to provide enhanced patient
14 care.>

15 2. By renumbering as necessary.

By JORGENSEN of Woodbury

H-8436 FILED APRIL 10, 2012

HOUSE FILE 2465

H-8431

1 Amend House File 2465 as follows:

2 1. Page 1, after line 8 by inserting:

3 <Membership dues to a legislative organization
4 shall not be paid on behalf of the general assembly
5 or its members, including on behalf of the senate or
6 house of representatives, unless prior approval is
7 received from the service committee of the legislative
8 council. The service committee shall approve payment
9 of membership dues to a legislative organization
10 only after examination of donor lists supplied by the
11 legislative organization at the request of the service
12 committee. Such lists must identify all financial
13 donors to the organization and to any foundation
14 associated with the organization in a format designated
15 by the secretary of the senate and the chief clerk
16 of the house. The secretary of the senate and the
17 chief clerk of the house shall make the lists publicly
18 available in the same manner as personal financial
19 disclosure forms filed pursuant to section 68B.35
20 are made publicly available. If membership dues to a
21 legislative organization are paid on a biennial basis,
22 the organization shall submit a donor list to the
23 service committee each year during the two-year period.
24 Individual memberships to a legislative organization
25 shall be provided to members of the general assembly
26 on an opt-in basis.>

By WESSEL-KROESCHELL of Story

ABDUL-SAMAD of Polk
BERRY of Black Hawk
COHOON of Des Moines
GAINES of Polk
GASKILL of Wapello
HANSON of Jefferson
HEDDENS of Story
HUNTER of Polk
ISENHART of Dubuque
KAJTAZOVIC of Black Hawk
KEARNS of Lee
KELLEY of Jasper
KRESSIG of Black Hawk
LENSING of Johnson

LYKAM of Scott
MASCHER of Johnson
H. MILLER of Webster
R. OLSON of Polk
PETERSEN of Polk
M. SMITH of Marshall
STECKMAN of Cerro Gordo
T. TAYLOR of Linn
THEDE of Scott
WENTHE of Fayette
WILLEMS of Linn
WINCKLER of Scott
WITTNEBEN of Emmet
WOLFE of Clinton

H-8431 FILED APRIL 10, 2012

HOUSE FILE 2465

H-8432

1 Amend House File 2465 as follows:
2 1. Page 7, by striking lines 20 through 31.
3 2. Page 8, by striking lines 25 through 29 and
4 inserting:
5 <1. a. This subsection does not apply to statewide
6 elected officials who are subject to the provisions of
7 this division requiring such officials to pay a portion
8 of health insurance premiums.>
9 3. By striking page 9, line 32, through page 10,
10 line 2.
11 4. By renumbering as necessary.

By MURPHY of Dubuque

H-8432 FILED APRIL 10, 2012

HOUSE FILE 2465

H-8434

1 Amend House File 2465 as follows:
2 1. Page 2, line 31, after <8.57E.> by inserting
3 <Except for temporary cash flow purposes, moneys in the
4 taxpayers trust fund shall only be used in accordance
5 with appropriations made for purposes of providing tax
6 relief for personal income tax reduction, homeowner
7 property tax reduction, or sales tax reduction.>

By QUIRK of Chickasaw
JACOBY of Johnson

H-8434 FILED APRIL 10, 2012

HOUSE FILE 2465

H-8435

1 Amend House File 2465 as follows:
2 1. Page 1, by striking lines 27 through 31 and
3 inserting:
4 ~~<3. For the center for congenital and inherited~~
5 ~~disorders central registry under section 144.13A,~~
6 ~~subsection 4, paragraph "a".~~
7 \$ 85,560>
8 2. By renumbering as necessary.

By PETERSEN of Polk

H-8435 FILED APRIL 10, 2012

HOUSE FILE 2465

H-8438

1 Amend the amendment, H-8431, to House File 2465 as
2 follows:
3 1. Page 1, by striking lines 5 through 26 and
4 inserting <or its members.>

By WAGNER of Linn

H-8438 FILED APRIL 10, 2012

HOUSE FILE 2465

H-8439

1 Amend House File 2465 as follows:

2 1. Page 2, by striking lines 23 through 31 and
3 inserting:

4 <Sec. _____. Section 8.55, subsection 2, paragraph
5 a, subparagraph (2), Code Supplement 2011, is amended
6 to read as follows:

7 (2) The remainder of the excess, if any, shall be
8 transferred to the ~~general~~ invest in education trust
9 ~~fund of the state.~~

10 Sec. _____. NEW SECTION. 8.57F Invest in education
11 trust fund.

12 1. An invest in education trust fund is created.
13 The fund shall be separate from the general fund of
14 the state and the balance in the fund shall not be
15 considered part of the balance of the general fund of
16 the state. The moneys credited to the fund are not
17 subject to section 8.33 and shall not be transferred,
18 used, obligated, appropriated, or otherwise encumbered
19 except as provided in this section.

20 2. Moneys in the invest in education trust fund
21 shall only be used pursuant to appropriations made by
22 the general assembly to support the education of Iowans
23 from early childhood through postsecondary education
24 levels. Moneys appropriated from the fund for a
25 purpose that receives an existing state appropriation
26 shall only be used to supplement and not to supplant
27 the existing state appropriation.

28 3. a. Moneys in the invest in education trust fund
29 may be used for cash flow purposes during a fiscal year
30 provided that any moneys so allocated are returned to
31 the fund by the end of that fiscal year.

32 b. Except as provided in section 8.58, the invest
33 in education Iowa trust fund shall be considered a
34 special account for the purposes of section 8.53 in
35 determining the cash position of the general fund of
36 the state for the payment of state obligations.

37 4. Notwithstanding section 12C.7, subsection 2,
38 interest or earnings on moneys deposited in the invest
39 in education trust fund shall be credited to the fund.>

40 2. Page 5, by striking lines 11 and 12 and
41 inserting:

42 <1. The section of this Act amending section 8.55.

43 2. The section of this Act enacting section 8.57F.>

44 3. By renumbering as necessary.

By WINCKLER of Scott
ABDUL-SAMAD of Polk
BERRY of Black Hawk
COHOON of Des Moines
GAINES of Polk
GASKILL of Wapello
HANSON of Jefferson
HEDDENS of Story
HUNTER of Polk
ISENHART of Dubuque
JACOBY of Johnson
KAJTAZOVIC of Black Hawk
KEARNS of Lee
KELLEY of Jasper
KRESSIG of Black Hawk
LENSING of Johnson
H-8439 FILED APRIL 10, 2012

LYKAM of Scott
MASCHER of Johnson
H. MILLER of Webster
MUHLBAUER of Crawford
OLDSON of Polk
R. OLSON of Polk
T. OLSON of Linn
PETERSEN of Polk
STECKMAN of Cerro Gordo
T. TAYLOR of Linn
THEDE of Scott
WENTHE of Fayette
WESSEL-KROESCHELL of Story
WILLEMS of Linn
WITTNEBEN of Emmet

HOUSE FILE 2465

H-8440

1 Amend House File 2465 as follows:

2 1. Page 11, after line 22 by inserting:

3 <Sec. _____. Section 135.156E, subsection 1,
4 paragraph b, if enacted by 2012 Iowa Acts, Senate File
5 2318, section 14, is amended to read as follows:

6 b. Require authentication controls to verify the
7 ~~identify~~ identity and role of the participant using the
8 Iowa health information network.>

9 2. Page 13, after line 31 by inserting:

10 <Sec. _____. Section 161A.63, Code 2011, as amended
11 by 2012 Iowa Acts, Senate File 2311, section 16, if
12 enacted, is amended to read as follows:

13 161A.63 Right of purchaser of agricultural land to
14 obtain information.

15 A prospective purchaser of an interest in
16 agricultural land located in this state is entitled
17 to obtain from the seller, or from the office of the
18 soil and water conservation district in which the land
19 is located, a copy of the most recently updated farm
20 unit soil conservation plan, developed pursuant to
21 section 161A.62, subsection 2, which ~~are~~ is applicable
22 to the agricultural land proposed to be purchased. A
23 prospective purchaser of an interest in agricultural
24 land located in this state is entitled to obtain
25 additional copies of ~~either or both of the documents~~
26 document referred to in this section from the office of
27 the soil and water conservation district in which the
28 land is located, promptly upon request, at a fee not to
29 exceed the cost of reproducing them. All persons who
30 identify themselves to the commissioners or staff of
31 a soil and water conservation district as prospective
32 purchasers of agricultural land in the district shall
33 be given information, prepared in accordance with
34 rules of the department, which clearly explains the
35 provisions of section 161A.76.

36 Sec. _____. Section 203C.14, Code 2011, as amended
37 by 2012 Iowa Acts, Senate File 2311, section 107, if
38 enacted, is amended to read as follows:

39 203C.14 Suit ---- claims ---- notice of revocation.

40 1. A person injured by the breach of an obligation
41 of a warehouse operator, for the performance of which a
42 bond on agricultural products other than bulk grain, a
43 deficiency bond, or an irrevocable letter of credit has
44 been given under any of the provisions of this chapter,
45 may sue on the bond on agricultural products other than
46 bulk grain, deficiency bond, or irrevocable letter of
47 credit in the person's own name in a court of competent
48 jurisdiction to recover any damages the person has
49 sustained by reason of the breach.

50 2. a. Upon the cessation of a warehouse operator's

H-8440

1 license due to revocation, cancellation, or expiration,
2 a claim against the warehouse operator arising
3 under this chapter shall be made in writing with
4 the warehouse operator, with the issuer of a bond
5 on agricultural products other than bulk grain, a
6 deficiency bond, or an irrevocable letter of credit,
7 and, if the claim relates to bulk grain, with the
8 department. The claim must be made within one hundred
9 twenty days after the cessation of the license. The
10 failure to make a timely claim relieves the issuer
11 and, if the claim relates to bulk grain, the grain
12 depositors and sellers indemnity fund provided in
13 chapter 203D of all obligations to the claimant.

14 ~~3.~~ b. Upon revocation of a warehouse license, the
15 department shall cause notice of the revocation to be
16 published once each week for two consecutive weeks
17 in a newspaper of general circulation in each of the
18 counties in which the licensee maintains a business
19 location and in a newspaper of general circulation
20 within the state. The notice shall state the name and
21 address of the warehouse operator and the effective
22 date of revocation. The notice shall also state that
23 any claims against the warehouse operator shall be made
24 in writing and sent by ordinary mail to the warehouse
25 operator, to the issuer of a bond on agricultural
26 products other than bulk grain, deficiency bond, or an
27 irrevocable letter of credit, and to the department
28 within one hundred twenty days after revocation, and
29 the notice shall state that the failure to make a
30 timely claim does not relieve the warehouse operator
31 from liability to the claimant.

32 c. ~~This paragraph subsection~~ does not apply if
33 a receiver is appointed as provided in this chapter
34 pursuant to a petition which is filed by the department
35 prior to the expiration of one hundred twenty days
36 after ~~revocation, termination, or cancellation~~
37 cessation of the license.

38 3. Page 15, after line 18 by inserting:

39 <Sec. _____. Section 326.3, subsection 19, if enacted
40 by 2012 Iowa Acts, Senate File 2216, section 19, is
41 amended to read as follows:

42 19. "Operational records" means source documents
43 that evidence distance traveled by a fleet in each
44 member jurisdiction, such as ~~fuel~~ fuel reports, trip
45 sheets, and driver logs, including those which may
46 be generated through on-board devices and maintained
47 electronically, as required by the audit procedures
48 manual.

49 Sec. _____. Section 418.4, subsection 1, paragraph b,
50 if enacted by 2012 Iowa Acts, Senate File 2217, section

1 5, is amended to read as follows:

2 b. A governmental entity as defined in section
3 418.1, subsection 4, paragraph "c", shall have the
4 power to construct, acquire, own, repair, improve,
5 operate, and maintain a project, may sue and be sued,
6 contract, and acquire and hold real and personal
7 property, subject to the limitation in paragraph "c",
8 and shall have such other powers as may be included in
9 the chapter 28E agreement. Such a governmental entity
10 may contract with a city or the county participating in
11 the chapter 28E agreement to perform any governmental
12 service, activity, or undertaking that the city or
13 county is authorized by law to perform, including but
14 not limited to contracts for administrative services.

15 Sec. _____. Section 418.5, subsection 7, if enacted
16 by 2012 Iowa Acts, [Senate File 2217](#), section 6, is
17 amended to read as follows:

18 7. A majority of the ~~board~~ voting members
19 constitutes a quorum.

20 Sec. _____. Section 418.9, subsection 2, paragraph g,
21 if enacted by 2012 Iowa Acts, [Senate File 2217](#), section
22 10, is amended to read as follows:

23 g. Whether the project plan is consistent with
24 the applicable comprehensive, ~~countywide~~ emergency
25 ~~operations~~ plan in effect and other applicable local
26 hazard mitigation plans.

27 Sec. _____. Section 504.719, subsection 3, as enacted
28 by 2012 Iowa Acts, [Senate File 2260](#), section 8, is
29 amended to read as follows:

30 3. An inspector may, but is not required to, be a
31 director, ~~member of a designated body~~, member, officer,
32 or employee of the corporation. A person who is a
33 candidate for an office to be filled at the meeting
34 shall not be an inspector at that meeting.>

35 4. Page 17, after line 29 by inserting:

36 <Sec. _____. EFFECTIVE UPON ENACTMENT. The section
37 of this division of this Act amending section 135.156E,
38 subsection 1, paragraph b, being deemed of immediate
39 importance, takes effect upon enactment.

40 Sec. _____. RETROACTIVE APPLICABILITY. The section
41 of this division of this Act amending section 135.156E,
42 subsection 1, paragraph b, applies retroactively to the
43 effective date of 2012 Iowa Acts, [Senate File 2318](#).>

44 5. Page 18, after line 2 by inserting:

45 <Sec. _____. EFFECTIVE UPON ENACTMENT. The sections
46 of this division of this Act amending section 418.4,
47 subsection 1, paragraph b, section 418.5, subsection
48 7, and section 418.9, subsection 2, paragraph g,
49 being deemed of immediate importance, take effect upon
50 enactment.

H-8440

Page 4

1 Sec. _____. RETROACTIVE APPLICABILITY. The sections
2 of this division of this Act amending section 418.4,
3 subsection 1, paragraph b, section 418.5, subsection
4 7, and section 418.9, subsection 2, paragraph g, apply
5 retroactively to the effective date of 2012 Iowa Acts,
6 Senate File 2217.>

7 6. By renumbering as necessary.

By WAGNER of Linn

H-8440 FILED APRIL 10, 2012

HOUSE FILE 2465

H-8441

1 Amend House File 2465 as follows:

2 1. By striking page 5, line 13, through page 7,
3 line 16.

4 2. By renumbering as necessary.

By WAGNER of Linn

H-8441 FILED APRIL 10, 2012

HOUSE FILE 2465

H-8442

1 Amend House File 2465 as follows:

2 1. Page 2, after line 22 by inserting:

3 <Sec. _____. NATIONAL DEFENSE. Notwithstanding
4 any provision of law to the contrary, an agency or
5 political subdivision of the state, a state employee
6 acting in an official capacity, and any member of the
7 Iowa national guard when serving on official state
8 duty, shall not engage in any activity that aids an
9 agency of or the armed forces of the United States
10 in the execution of 50 U.S.C. { 1541, as provided by
11 the National Defense Authorization Act for Fiscal
12 Year 2012, Pub. L. No. 112-81, in the investigation,
13 prosecution, or detainment of any citizen of the United
14 States in violation of Article I, sections 8, 9, and 10
15 of the Constitution of the State of Iowa.>

16 2. By renumbering as necessary.

By ALONS of Sioux

MASSIE of Warren

WATTS of Dallas

PEARSON of Polk

SHAW of Pocahontas

H-8442 FILED APRIL 10, 2012

HOUSE FILE 2465

H-8444

1 Amend House File 2465 as follows:

2 1. Page 3, after line 25 by inserting:

3 <Sec. _____. Section 260C.14, Code 2011, is amended
4 by adding the following new subsection:

5 NEW SUBSECTION. 23. a. Adopt rules to waive
6 tuition and mandatory fee charges for any student in
7 good standing who is a resident of Iowa; is under the
8 age of twenty-six, or under the age of thirty if the
9 student is a qualified veteran as defined in subsection
10 14; is not a convicted felon as defined in section
11 910.15; and meets any of the following criteria:

12 (1) Is the child of a peace officer, as defined
13 in section 97A.1, who was killed in the line of duty
14 as determined by the board of trustees of the Iowa
15 department of public safety peace officers' retirement,
16 accident, and disability system in accordance with
17 section 97A.6, subsection 16.

18 (2) Is the child of a police officer, as defined in
19 section 411.1, who was killed in the line of duty as
20 determined by the statewide fire and police retirement
21 system in accordance with section 411.6, subsection 15.

22 (3) Is the child of a sheriff or deputy sheriff as
23 defined in section 97B.49C, who was killed in the line
24 of duty as determined by the Iowa public employees'
25 retirement system in accordance with section 97B.52,
26 subsection 2.

27 b. If a student who meets the criteria pursuant to
28 paragraph "a" receives financial aid under any other
29 federal, state, or institutional scholarship or grant
30 program, the full amount of the other financial aid
31 shall be applied to the student's expenses first and
32 shall be considered part of the student's available
33 financial resources in determining the amount of
34 tuition and mandatory fee charges to be waived under
35 this subsection. The total financial aid for the
36 student's education, including financial aid under any
37 other program, shall not exceed the student's cost
38 of attendance at the community college in which the
39 student is enrolled.

40 c. Notwithstanding section 261.20, a community
41 college waiving tuition and mandatory fees in
42 accordance with this subsection may request from the
43 college student aid commission and the governor a
44 transfer of moneys from the scholarship and tuition
45 grant reserve fund in the manner provided in section
46 261.20, subsection 3, in an amount equivalent to the
47 amount of tuition and mandatory fees waived by the
48 community college for the fiscal year.

49 Sec. _____. Section 262.9, Code Supplement 2011, is
50 amended by adding the following new subsection:

H-8444

1 NEW SUBSECTION. 36. a. Adopt rules that require
2 the institutions of higher education under its control
3 to waive tuition and mandatory fee charges for any
4 undergraduate student in good standing who is a
5 resident of Iowa; is under the age of twenty-six, or
6 under the age of thirty if the student is a qualified
7 veteran as defined in subsection 17; is not a convicted
8 felon as defined in section 910.15; and meets any of
9 the following criteria:

10 (1) Is the child of a peace officer, as defined
11 in section 97A.1, who was killed in the line of duty
12 as determined by the board of trustees of the Iowa
13 department of public safety peace officers' retirement,
14 accident, and disability system in accordance with
15 section 97A.6, subsection 16.

16 (2) Is the child of a police officer, as defined in
17 section 411.1, who was killed in the line of duty as
18 determined by the statewide fire and police retirement
19 system in accordance with section 411.6, subsection 15.

20 (3) Is the child of a sheriff or deputy sheriff as
21 defined in section 97B.49C, who was killed in the line
22 of duty as determined by the Iowa public employees'
23 retirement system in accordance with section 97B.52,
24 subsection 2.

25 b. If a student who meets the criteria pursuant to
26 paragraph "a" receives financial aid under any other
27 federal, state, or institutional scholarship or grant
28 program, the full amount of the other financial aid
29 shall be applied to the student's expenses first and
30 shall be considered part of the student's available
31 financial resources in determining the amount of
32 tuition and mandatory fee charges to be waived under
33 this subsection. The total financial aid for the
34 student's education, including financial aid under any
35 other program, shall not exceed the student's cost of
36 attendance at the institution of higher education in
37 which the student is enrolled.

38 c. Notwithstanding section 261.20, an institution
39 of higher education waiving tuition and mandatory fees
40 in accordance with this subsection may request from
41 the college student aid commission and the governor a
42 transfer of moneys from the scholarship and tuition
43 grant reserve fund in the manner provided in section
44 261.20, subsection 3, in an amount equivalent to the
45 amount of tuition and mandatory fees waived by the
46 institution for the fiscal year.>

47 2. By renumbering as necessary.

By WAGNER of Linn

HOUSE FILE 2465

H-8445

1 Amend House File 2465 as follows:
2 1. Page 3, by striking lines 7 through 14 and
3 inserting:
4 <by adding the following new paragraphs:
5 NEW PARAGRAPH. g. For the fiscal year beginning
6 July 1, 2011, and each succeeding fiscal year, of the
7 amount of preschool foundation aid received by a school
8 district for a fiscal year in accordance with section
9 257.16, not less than five percent shall be used by
10 the school district for administering the district's
11 approved local program.
12 NEW PARAGRAPH. h. For the fiscal year beginning
13 July 1, 2012, and each succeeding fiscal year, of
14 the amount of preschool foundation aid received by a
15 school district for a fiscal year in accordance with
16 section 257.16, not less than ninety-five percent
17 of the per pupil amount shall be passed through to
18 a community-based provider for each pupil enrolled
19 in the district's approved local program. For the
20 fiscal year beginning July 1, 2011, and each succeeding
21 fiscal year, not more than five percent of the
22 amount of preschool foundation aid passed through
23 to a community-based provider may be used by the
24 community-based provider for administrative costs.>
25 2. Page 5, after line 12 by inserting:
26 <2. The section of this Act enacting section
27 256C.4, subsection 1, paragraphs "g" and "h".>
28 3. By renumbering as necessary.

By WINCKLER of Scott
DOLECHECK of Ringgold

H-8445 FILED APRIL 10, 2012

HOUSE FILE 2465

H-8446

1 Amend House File 2465 as follows:
2 1. Page 1, by striking lines 23 through 26 and
3 inserting:
4 <2. ~~For regional tourism marketing under section~~
5 ~~99F.11, subsection 3, paragraph "d", subparagraph (2):~~
6 ~~..... \$ 405,153>~~
7 2. By renumbering as necessary.

By THOMAS of Clayton

H-8446 FILED APRIL 10, 2012

HOUSE FILE 2465

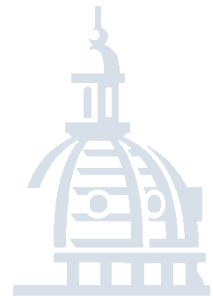
H-8447

1 Amend the amendment, H-8445, to House File 2465 as
2 follows:

3 1. Page 1, line 9, by striking <not less than
4 five percent shall> and inserting <not more than five
5 percent may>

By WINCKLER of Scott
DOLECHECK of Ringgold

H-8447 FILED APRIL 10, 2012



HF 2460 – Tax Increment Financing (LSB 5418HV)

Analyst: Jeff Robinson (Phone: 515-281-4614) (jeff.robinson@legis.state.ia.us)

Fiscal Note Version – New

Description

House File 2460 relates to Iowa's Urban Renewal law ([Iowa Code chapter 403](#)) and the financing option for urban renewal projects known as Tax Increment Financing (TIF).

The Bill restricts the types of projects allowed for future TIF treatment, prohibits the creation of new Urban Renewal areas under certain circumstances, increases Urban Renewal and TIF reporting and auditing requirements, and establishes a procedure that will set a termination date for existing Urban Renewal areas that do not currently have a statutory end date. The Bill also eliminates provisions relating to local option sales tax TIFs ([Iowa Code section 423B.10](#)).

Provisions of the Bill that impact State and local expenditures and/or revenue include:

- Requires that cities, counties, and rural improvement zones utilizing TIF complete an annual report and submit that report electronically to the Department of Management (DOM) by December 1.
- Requires that the DOM develop, in consultation with the Legislative Services Agency (LSA), an electronic system for local governments to submit Urban Renewal and TIF reports and also requires that a searchable, web-based data system be developed.
- Requires that each municipality with an active Urban Renewal area annually certify that the municipality has complied with the reporting requirements contained in the Bill. The certification is required to be audited in any official audit of the municipality. For the years that the municipality does not have an official audit conducted, the municipality is required to hire an auditor to attest to the certification. For reference, the Iowa Code requires:
 - a. Cities with a population of 2,000 or more must be audited each year.
 - b. Cities over 700 but less than 2,000 must be audited every four years.
 - c. No periodic audits for a city of 700 or less.

Assumptions

For FY 2012, there were 348 cities and 47 counties utilizing TIF. All counties are audited every year. For the 348 cities:

- 149 are audited each year.
- 136 have populations between 700 and 2,000 and are audited every 4 years.
- 63 have populations below 700 and those cities are not currently subject to audit.

The DOM and the LSA will collaborate in the development of the web-based reporting system and web-based data access system, and the system will be operational by December 2012. The DOM duties will also include education of city and county staff and ongoing management and enforcement of the reporting requirements.

Fiscal Impact

All cities, counties, and Rural Improvement Zones with existing, active, Urban Renewal areas will have some additional administrative expense each year complying with the reporting requirements of the Bill. The most significant new requirement will be the added requirement to categorize TIF expenditures by purpose and assign those expenditures to an outstanding TIF debt. This duty will be required each year after the end of the fiscal year in question.

The amount of administrative staff time required for compliance with the reporting requirements is not known. If the 399 local governments with active TIFs each devote 12 hours of administrative staff time to the added reporting requirements, and if staff time is valued at \$40 per hour, the estimated statewide expense would be \$192,000.

Local governments could also incur new expenses for the audit provisions of the Bill. Those provisions require, as a part of any audit, compliance with the reporting requirements will be a portion of the audit. For counties, and for cities that have a population of 2,000 or more, this additional expense should be minimal as long as the reporting requirements were met.

Cities with a population below 2,000 will incur the additional expense of hiring an auditor to attest to the city's certification of compliance with the reporting requirements. The cost for an auditor to attest to the accuracy of a city's TIF report certification is not known. If the 199 TIF cities with a population below 2,000 each expend \$1,500 on additional audit costs, the estimated statewide impact of the audit provision is \$299,000.

The DOM, in consultation with the LSA will be required to develop a web-based reporting and searchable database by December, 2012. This may require \$100,000 to \$200,000 in expenditures, although a considerable portion of the expense would involve existing staff. The DOM will have ongoing site maintenance expenditures, as well as increased staff duties involving local government education and compliance monitoring. The Bill does not provide funding outside of the current annual appropriations to the DOM and LSA.

Sources

Department of Management property valuation statistics
U.S. Census Bureau
Legislative Services Agency

/s/ Holly M. Lyons

April 10, 2012

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 2467 – All Terrain Vehicle (ATV), Snowmobile, and Boat Programs (LSB 5210HV)
Analyst: Adam Broich (Phone: 515-281-8223) (adam.broich@legis.state.ia.us)
Fiscal Note Version – As amended by House Ways and Means Committee

Description

House File 2467 updates Iowa Code language and definitions pertaining to snowmobiles, ATVs, and watercraft. Some of the changes include:

- Requiring residents to purchase a \$15 resident user permit to operate snowmobiles on public land.
- Eliminating dealer special registration exemptions for off-road utility vehicles.
- Changing snowmobile and ATV dealer special registration fees from an annual \$15 fee to a three-year fee of \$45.
- Prohibiting waterskiing except on rivers and streams during the period between November 1 and April 1. Waterskiing violations will be fined \$100.
- **House File 2467** replaces the term safety certificate with education certificate.

Background

Moneys collected from snowmobile user permits are deposited in the Snowmobile Registration Fee Fund. This Fund is dedicated to snowmobile programs, safety education, and trail maintenance. Language updates and other changes were requested by the Department of Natural Resources (DNR).

Assumptions

The DNR currently registers approximately 29,000 snowmobiles each year. It estimated the user permit will apply to 80.0% of registered snowmobiles. This will result in the purchase of 23,200 user permits at \$15 each. The estimated revenue increase is \$348,000. The DNR anticipates spending additional revenue on trail development, maintenance, and operation. The fiscal impact of prohibiting waterskiing fines cannot be determined.

Correctional Impact

The correctional impact is expected to be minimal.

Fiscal Impact

There is no fiscal impact to the General Fund. The estimated increase in revenue to the Snowmobile Registration Fee Fund is \$348,000 in FY 2013 and each year after.

Sources

Department of Natural Resources
Department of Human Rights

/s/ Holly M. Lyons

April 10, 2012

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to [Iowa Code section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
